

In the Claims:

This listing will replace all prior versions and listing of claims in the subject application.

1. (Currently Amended) A porous, flushable, ductile, breathable film, wherein the film is formed from an extruded precursor film, the extruded precursor film comprising a homogeneous blend of a water-soluble polymer having a molecular weight from about 200,000 g/mol to about 8,000,000 g/mol and a particulate filler, wherein the filler comprises at least 10 percent by weight of the precursor film, and the precursor film having an elongation-at-break of greater than about 150%, further wherein the precursor film, when stretched, forms pores around the particulate filler thereby increasing the breathability of the breathable film; further wherein the water-soluble polymer is selected from poly(ethylene oxide) or modified poly(ethylene oxide).
2. (Canceled) The film of Claim 1, wherein the water soluble polymer is poly(ethylene oxide) or modified poly(ethylene oxide).
3. (Previously Presented) The film of Claim 1, wherein the modified poly(ethylene oxide) comprises poly(ethylene oxide) having from about 1% to about 30% by weight of grafted polar vinyl monomer.
4. (Original) The film of Claim 3, wherein said polar vinyl monomer is selected from the group consisting of acrylates, methacrylates, 2-hydroxyethyl acrylate, 2-hydroxyethyl methacrylate, poly(ethylene glycol) acrylates, poly(ethylene glycol) methacrylates, poly(ethylene glycol) diacrylates, acrylic acid, methacrylic acid, maleic anhydride, itaconic acid, acrylamide, glycidyl methacrylate, 2-bromoethyl acrylate, 2-bromoethyl methacrylate, carboxyethyl acrylate, sodium acrylate, 3-hydroxypropyl methacrylate, 3-hydroxypropyl acrylate, 2-chloroacrylonitrile, 4-chlorophenyl acrylate, 2-cyanoethyl acrylate, glycidyl acrylate, 4-nitrophenyl acrylate, pentabromophenyl acrylate, poly(propylene glycol) acrylates, poly(propylene glycol) methacrylates 2-propene-1-sulfonic acid and its sodium salt, 2-sulfoethyl acrylate, 2-sulfoethyl methacrylate, 3-sulfopropyl acrylate, 3-sulfopropyl methacrylate, poly(ethylene glycol) alkyl ether acrylates, poly(ethylene glycol) alkyl ether methacrylates, poly(ethylene

glycol) ethyl ether acrylates, poly(ethylene glycol) ethyl ether methacrylates and derivatives and analogs thereof.

5. (Canceled)

6. (Original) The film of Claim 1, wherein water soluble polymer has a molecular weight from about 200,000 g/mol to about 1,000,000 g/mol.

7. (Original) The film of Claim 1, wherein the filler is selected from clay, silica, alumina, powdered metals, glass microspheres, calcium carbonate, barium sulfate, sodium carbonate, magnesium carbonate, magnesium sulfate, barium carbonate, kaolin, carbon, calcium oxide, magnesium oxide, aluminum hydroxide, titanium dioxide, talc, mica, wollastonite, latex particles, particles of thermoplastic elastomers, pulp powders, wood powders, cellulose derivatives, chitin, chitozan powder, organosilicone powders, polyacrylic acid, magnesium sulfate, sodium sulfite, sodium hydrogen sulfite, sodium sulfate, sodium hydrogen sulfate, sodium phosphate, sodium hydrogen phosphate, sodium carbonate, sodium hydrogen carbonate, potassium carbonate, sodium hydroxide, potassium hydroxide, sodium chloride, potassium chloride, or mixtures thereof.

8. (Original) The film of Claim 1, wherein the filler comprises calcium carbonate.

9. (Original) The film of Claim 1, wherein the filler comprises calcium carbonate with a surface coating material.

10. (Original) The film of Claim 9, wherein the surface coating material is a liquid organosilicone with a Hydrophilic-Lipophilic Balance number of from about 6 to about

11. (Original) The film of Claim 1, wherein the filler comprises from about 20 to about 50 percent by weight of the film.

12. (Original) The film of Claim 1, wherein the film has a thickness of from about 0.01 to about 15 mils.

13. (Original) The film of Claim 1, wherein the film has a thickness of from about 0.01 to about 2 mils.

14. (Original) The film of Claim 1, wherein precursor film has an elongation-at-break of greater than about 200%.

15. (Original) The film of Claim 1, wherein the filler material has an average particle size that does not exceed about 10 microns.

16. (Original) The film of Claim 1, wherein the filler material has an average particle size that does not exceed about 8 microns.

17. (Original) The film of Claim 1, wherein the filler material has an average particle size that does not exceed about 5 microns.

18. (Original) The film of Claim 1, wherein the filler material has an average particle size that does not exceed about 1 micron.

19. (Currently Amended) A flushable article comprising:

a. the a porous, flushable, ductile, breathable film of Claim 1 formed from an extruded precursor film, the extruded precursor film comprising a homogeneous blend of a water-soluble polymer and a particulate filler, wherein the filler comprises at least 10 percent by weight of the precursor film, and the precursor film having an elongation-at-break of greater than about 150%, further wherein the precursor film, when stretched, forms pores around the particulate filler thereby increasing the breathability of the breathable film; further wherein the water-soluble polymer is selected from poly(ethylene oxide) or modified poly(ethylene oxide); and

b. at least one additional layer adhered to the flushable, ductile, breathable film.

20. (Original) The flushable article of Claim 19, wherein the article comprises a flushable personal care article, a diaper, a feminine pad, a pantliner or training pants.

21.-42. (Canceled)

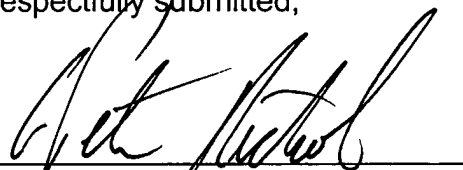
REMARKS

Claims 1, 5-9, 11 and 14-20 were rejected for obviousness-type double patenting over claims 1-20 of U.S. 6,268,048 ("Topolkaraev") alone or in combination with Wu. Applicants respectfully traverse. The claims of Topolkaraev do not teach or suggest a film having the features claimed in the present application, particularly the elongation-at-break or the formation of pores when stretched. Therefore, Applicants request that the rejection be withdrawn.

Claims 1, 7 and 11-18 were rejected as being obvious in view of Callahan and Radovanovic. Applicants respectfully traverse in view of the present claims, which now include the features of claim 5 and thus requires that the water soluble polymer have a molecular weight from about 200,000 g/mol to about 8,000,000 g/mol. As indicated in the Office Action, claim 5 was not rejected. Therefore, all the claims are allowable and notification to that effect is requested.

Applicants believe the present claims are allowable and respectfully request allowance of the application. Examiner is invited to contact the undersigned attorney at (312) 321-4276 to resolve any outstanding issues.

Respectfully submitted,



G. Peter Nichols
Registration No. 34,401
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200